

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

JATIEK SMITH et al.,

Defendants.

22-cr-352 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.:

On 4/27/23, the Court held an in-person conference with Jatiek Smith, his then-primary counsel Thomas Nooter and co-counsel Jill Shellow, and prospective counsel Andrew Patel, as well as counsel for the Government. See 4/27/23 Hr'g Tr. As discussed further on the record during that proceeding, severe and unexpected medical setbacks that had very recently arisen affecting Mr. Nooter's health meant that Mr. Nooter was no longer able to try this case (previously firmly set to begin on 5/1/23) in the foreseeable future. And the Court agreed with Ms. Shellow's representation that, given this case's substantial complexity (involving, inter alia, gigabytes of discovery, numerous fact witnesses, multiple months of wiretap recordings, and more) and her prior expectation that she would be proceeding only as co-counsel assisting Mr. Nooter, ensuring effective representation for Mr. Smith required delaying trial long enough to enable Ms. Shellow to adequately serve as primary counsel and for prospective co-counsel to get up to speed on the case.

Ms. Shellow, after reaching out to several potential co-counsel who were unavailable, identified highly qualified co-counsel, Andrew Patel, who was willing to step in. However, Mr. Patel's other commitments coupled with the need to get up to speed on this case did not allow him (and Ms. Shellow) to be ready to try this case until August 14, 2023 (the very earliest date available to both counsel and the Court).

Nonetheless, at the hearing, Mr. Smith initially expressed reluctance to delay trial and a preference to instead proceed with trial as previously scheduled representing himself pro se, and the Court informed Mr. Smith it would appoint Ms. Shellow as stand-by counsel to assist him if he wished to proceed pro se for a trial in May. However, following an on-the-record (but sealed) colloquy regarding the risks of going pro se, Mr. Smith asked for some time to further consider the issue. He has since written the Court (in a letter that has been docketed separately, see dkt. 211) stating his preference to remain represented by Ms. Shellow (as primary counsel) and Mr. Patel (as co-counsel) and proceed with an August 14 trial date.

As such, for these reasons and others stated on the record during the 4/27/23 conference, the Court finds that the ends of justice in delaying trial between today (5/1/23) and 8/14/23 substantially outweigh the best interests of the public and the defendant in a speedy trial. As such, the Court excludes all time between now and 8/14/23 under 18 U.S.C. § 3161(h)(7) of the Speedy Trial Act.

SO ORDERED.

New York, NY
May 1, 2023


JED S. RAKOFF, U.S.D.J.